

INTRODUCTORY GUIDE
TO
INDIAN-RELATED RECORDS
(To 1876)
IN THE
NORTH CAROLINA STATE ARCHIVES

By
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N.B. The word "register" used in this introductory guide refers to large black loose-leaf notebooks in the Search Room which contain descriptions of the records of state agencies, organizations, private collections, and miscellaneous papers.

The term "shelflist" in this guide is used without distinction for two types of registers which describe records in the Archives. In some instances, reference is being made to register descriptions which give a true listing of records in the order in which they are kept on the shelves in the Archives stacks and which report only the number of the box containing the records, the title of the box, and the range of dates covered by the records. In other instances, reference is being made to register descriptions which itemize the contents of each box, folder-by-folder.

General Introduction

The Native American history of North Carolina is richly documented in various collections of the North Carolina State Archives. Material relating to Indians can be found in the official records of the colony and the state; in copies of federal and foreign records; and in private collections and maps. This guide is by no means an exhaustive inventory of all available documents. It is intended as an introduction to records in the Archives relating to Native Americans. It is also designed to help researchers locate specific material. Such material is often difficult to find because public records, which are preserved with regard to the agency which created or assembled them, are usually unindexed.

This guide is divided into three sections--state records, county records, and miscellaneous materials--each of which describes how the administrative functions of official agencies led to their creation of materials relating to Native Americans. Entries include examples of Indian-related material that a researcher may expect to find and a brief list of some specific documents within each record group.

Much of the Native American history of North Carolina during the seventeenth and eighteenth centuries is documented in published materials (William L. Saunders, ed., *The Colonial Records of North Carolina*); public records of the governor's office; records of the secretary of state; the Treasurer's and Comptroller's Papers; the Military Collection; and in the British Records series. Nineteenth-century documents relating to Native Americans focus upon the Cherokees of western North Carolina and are easily located within the record series of the western counties.

Today there are over 99,000 Native Americans living in North Carolina. While the Eastern Band of Cherokee are the dominant tribe in the western part of the state, the Lumbees constitute the largest group in the east. Living mostly in Robeson County, the Lumbee Indian Tribe have been a mixed group, submerged within the general population, and they lack a separate identity in the records of the county. Other scattered groups of non-reservation Indians include the Haliwa-Saponi Indian Tribe of Halifax and Warren Counties, the Indians of Person County, descendants of the Machapungas and Mattamuskeets in Dare and Hyde Counties, and the Lasters in Perquimans County. Researchers should be aware that members of these "submerged" groups are difficult to identify in the documents. Additional state-recognized tribes that are likely to be difficult to identify in the records as a group are the Coharie Indian Tribe, Meherrin Indian Tribe, Waccamaw Siouan Indian Tribe and the Occaneechi Band of Saponi Nation. The researcher will also find records that pertain to the Tuscarora, Creek, Chickasaw, and Choctaw tribes. The records can be used most effectively if the researcher can begin his search with a list of known Indian names. For more information about the history of Native Americans in North Carolina, as well as lists of state-recognized tribes and associations, see the website of the North Carolina Commission of Indian Affairs at www.doa.state.nc.us/doa/cia/indian.htm.

The Spanish Records collection, 1735-1800, of ca. 10,000 documents in Old Spanish (one-third have been translated)--most of which were copied in the 1920s from the Archivo General de Indias at Seville--show intimately the operation of Spanish colonial government, dealing most specifically with relationships between the Spanish, English, and French along the Florida frontier, 1650-1750. Although there is much information on the relationship of Indians with both the military and the missionaries, North Carolina Indians are not involved, so this collection has not been included in the guide.

STATE RECORDS

Introduction

State records contain research material for many topics in the Native American history of North Carolina. Researchers should understand, however, that the public records of North Carolina, grouped by the agency from which they originated, are largely unindexed and briefly described; but locating material pertaining to one's research topic is by no means an impossible task. The first and most important step that a researcher must take is to learn the historic functions of the various state agencies. Once familiar with the duties and responsibilities of these departments, a researcher can easily determine which agencies generated records that might shed light on his particular research topic. For instance, an inquirer into the history of Native American education in North Carolina would first examine the records of the Department of Public Instruction. Because Indian-related materials are widely scattered throughout the Archives and are often found where they may seem logically out of place, a researcher must expect to experience some frustration. Additional effort may be required to find pertinent records; yet a diligent search often proves fruitful.

The following pages contain entries for officials and state agencies that generated records pertaining to Native Americans. Entries are in most cases divided into three parts: a description of the agency in terms of the relationship between its functions and its creation of Native American-related records; a guide to the location of material with the record group; and a list of examples of specific Indian-related documents within the record group.

ADJUTANT GENERAL'S PAPERS

Established in 1806, the Adjutant General's Department was charged with supervising the state militia. A few documents in the collection pertain to the organization of state troops to fight against the Creek Indians in 1814. Several letters for the year 1838 discuss the raising of a regiment to assist in the Indian removal and a number of records for the Civil War period concern Thomas's Legion. Organized in 1862 by Colonel William H. Thomas, it included four companies of Cherokee Indians. A register in the Search Room entitled "Adjutant General" contains a shelflist of the records in the Archives. Also see the "Adjutant General" chapter in *Guide to Civil War Records in the North Carolina State Archives* (Raleigh: State Department of Archives and History, 1966).

- AG6: Letter of Adjutant General to Colonel Pearson, Jan. 13, 1814, concerns the raising of an infantry regiment to fight hostile Creeks.
- AG19: Letter of Adjutant General to W. H. Thomas, April 15, 1862, concerns Thomas's Legion.
- AG30: Register of Thomas's Legion, Sept., 1862.
- AG77: Letter of Edward Dudley to [Adj. Gen. Beverly Daniel] Mar. 29, 1838, concerns raising a regiment to assist in the Indian removal.

COLONIAL COURT RECORDS

Comprising both bound folio volumes and large boxes of loose papers, the records of the general courts of colonial North Carolina constitute an invaluable collection. The legal status of Native Americans was largely undefined in the colonial period. Thus, the appearance of Native Americans in the court records was dependent

upon their position in or relationship to the white community. Much of the material relating to Native Americans in this group concerns Indian-white relations, Indian apprentices, Indian servitude, etc. Although such information is widely scattered and not always easy to locate, several excellent finding aids are available. A register in the Search Room entitled "Colonial Court Records" contains a shelflist of the records as found in the Archives as well as a chronological listing of the court minutes. Materials relating to Native Americans are abundantly cited in Mattie E. E. Parker and William S. Price, Jr., (eds.), *The Colonial Records of North Carolina [Second Series]* (Raleigh: Division of Archives and History, 10 volumes to date, 1963-present) and in William L. Saunders (ed.), *The Colonial Records of North Carolina* (Raleigh: State of North Carolina, 10 volumes, 1886-1890).

Volume 101: Document entitled "Perquimans County Precinct Court, Feb. 1693/4" contains the following entry: Caleb Calloway enters head rights for an Indian boy.

Box 190: (Folder entitled "Tax List-Currituck") contains a document entitled "An Accompt of what Corne has Been recd of the Levy ... Dec. 14, 1715," which has an entry for a tax paid by Sanders, an Indian; a document entitled "Land & Tythables in Currituck Precinct, 1720" contains entries for taxes paid on Sue, an Indian woman, an Indian man, and Davy, an Indian man.

Box 192: Folder labeled "Indians: 1698-1766, Treaties, Petitions, Arguments, and Court Cases."

GOVERNORS PAPERS

Comprising an enormous body of correspondence and official papers, the records of governors of North Carolina contain much information pertinent to Indians in the colony and the state. Colonial governors and their provincial councils were directly responsible for Indian affairs. Thus, material relating to treaties and Indian-white relations may be found among the council papers of the colonial chief executives. The governor of the state carries out a variety of tasks. He recommends measures to the General Assembly, receives reports from state agencies, commands the state militia, appoints public officials, etc. A researcher must be prepared to spend some time with this record group. The Governor's Records are filled with information on North Carolina's Native American past and the effort it may take to find Indian records will prove well worthwhile. These records are not completely indexed and materials relating to specific topics may be difficult to locate.

This record group consists of four distinct series, containing both original documents and copies. Each one contains a variety of documents created by or relating to the office of governor and there are some duplications among the series. They are as follows:

CGP: Colonial Governors Papers
GLB: Governors Letter Books (copies of incoming/outgoing letters)
GP: Governors Papers (original incoming letters)
GO: Governors Office

Finding aids for the period 1663-1774 [1775]

William L. Saunders (ed.), *The Colonial Records of North Carolina* (Raleigh: State of North Carolina, 10 volumes, 1886-1890). Many of the "Governors Records" are printed in these volumes.

A register in Search Room entitled "Governors" is a shelflist of the records in the Archives. Materials relating to Indians can be found under the following subheadings: Council Journals and Papers, 1663-1963 (GO); Council Journals, Minutes and Miscellaneous Papers, 1663-1784 (GO).

A register in Search Room entitled "Calendar of Colonial Governors Papers 1668-1775" contains a chronological list of documents in the collection. Entries include a description of each item and its location in the Archives.

A card file in Search Room entitled "Governors Papers, 1668-1775, A-Z" is mainly an autograph file. However, it contains several cards under the heading "Indians."

A card file in Search Room entitled "Governors Papers" is arranged alphabetically by last name of governor. Cards briefly describe the records of each governor in the Archives.

Finding aids for the period [1774] 1775-1835

Walter L. Clark (ed.), *The State Records of North Carolina* (Raleigh: State of North Carolina, 16 volumes, 1895-1914). Many of the "Governors Records" are printed in these volumes.

Register labeled "Governors" described above. See also subheading entitled "Land Grants, 1798-1885" in register.

A register in Search Room entitled "Chronological Index to Governors Papers, 1774-1835" (six volumes) lists much of the incoming and outgoing correspondence of each administration. Entries include the date of the document, writer, and recipient. Incoming letters in the GP series are only listed to 1811.

A card file in Search Room entitled "Governors Papers-miscellaneous" contains an entry under "Indians".

A card file in Search Room entitled "Governors Records, 1775-1835" is an autograph file arranged alphabetically by name of letter writer, or recipient when the writer is the governor. A few cards briefly describe the document. Several cards are entered under the heading "Cherokee," Chickasaw," and "Tuscarora." Listed below are some key names appearing in the card file which will lead a researcher to materials relating to Native Americans.

Blount, William: Superintendent for Indian Affairs, Southern Department, 1791-1796

Cass, Lewis: U. S. Secretary of War

Drogoole, A.

McDowell, Charles: Commander, Cherokee Expedition, 1782

McGillivray, Alexander: Creek Chief

Martin, Joseph: Special agent for Cherokees and Chickasaws for U.S. and North Carolina, 1783-1789

Meigs, Return J.: U. S. agent for Cherokee Nation

Pathkiller: Cherokee chief

Sevier, John: famed Indian fighter

White, James: Superintendent of Indian Affairs, Southern Department, 1786-1788.

Examples of Native American materials in the Governors Records, 1775-1835

- GLB 20: Letter of Governor Hawkins to Maj. Gen. Pinckney, Jan. 14, 1814, concerns raising of troops to fight against hostile Creeks; letter of Governor Hawkins to Gen. Graham, Feb. 21, 1814, governor offers Graham command of troops against hostile Creeks; letter of General Graham to Governor Hawkins, Feb. 27, 1814, Graham accepts post; letter of Colonel [Jesse A.] Pearson to Governor Hawkins, Apr. 12, 1814, concerns victories in Indian warfare.
- GLB 23: Message of Governor Branch to General Assembly, Nov. 17, 1819, mentions Indian Treaty of 1819; appointment of Jess Franklin as commissioner to superintend Cherokee lands, Jan. 30, 1830; appointment of Robert Love as surveyor of Cherokee lands, Jan. 30, 1820; letter of Robert Love to Governor Branch, Apr. 6, 1820, concerns survey of Cherokee lands.
- GLB 30: Letter of Governor Swain to Secretary of War Lewis Cass, Feb. 4, 1833, concerns interest of North Carolina in removing Cherokees from the state.
- GO 133.2: "Journal of the Board of Internal Improvements, 1821-1835," report of monies arising from sale of Cherokee lands set aside as a fund for internal improvements, Nov. 26, 1821; report on road construction through Cherokee lands, Dec. 8, 1821.
- GO 135: "Board of Internal Improvements (Accounts), 1819-1835," account of first sale of Cherokee lands, Dec. 19, 1819, and Nov. 1, 1824.

Finding aids for the period 1836-1876

A register in Search Room entitled "Calendar of Governors Papers, 1836-1858" contains brief descriptions, chronologically arranged, of every item in the GLBs and GPs.

A card file in Search Room entitled "Governors Records, 1836-1858" is both an autograph and subject file. See entries under Catawba, Cherokee, and Choctaw Indians.

A card file in Search Room entitled "Governors Papers-Pamphlets" contains an entry under "Indians."

Examples of Native American materials in the Governors Records, 1836-1876

- GO 1: "Account Book, Cherokee Indians, Literary Fund, 1837-1841," contains accounts such as expenditures for surveys of Cherokee lands, amount collected on Cherokee bonds, amount of counterfeit money received from sale.
- GLB 45: Letter of Governor Ellis to Jacob Siler (agent for Cherokee lands), Feb. 2, 1860, concerns outstanding certificates on Cherokee lands and construction of turnpike through the lands.
- GP 155: Letter of William H. Thomas to Governor Clark, Oct. 17, 1861, concerns a Captain Hayes who is "trying to degrade the Cherokees in their own estimation ... and to prevent the Indians from volunteering;" in letter of Indians Jonathan Welch and F. Taylor to Governor Clark, Oct. 17, 1861, the two writers request discharge from Hayes's company in order to join Cherokee Battalion.

- GP 157: Letter of William H. Thomas to Governor Clark, Mar. 14, 1862, concerns plans of Thomas to use his Indian company to defend mountain passes.
- GP 158: Letter of William H. Thomas to Governor Clark, Apr. 13, 1862, concerns an Indian company to be mustered into service as North Carolina troops; letter of William H. Thomas to Governor Clark, Apr. 17, 1862, Thomas describes his Indian company and his plans to enlarge it; letter of William H. Thomas to Governor Clark, May 25, 1862, Thomas asks for authority to raise Indian battalion.
- GP 171: Letter of Major M. L. Brittain to Governor Vance, Nov. 1, 1863; Brittain describes how he pursued a raiding party with help of Indians from Thomas's regiment.
- GP 176: Letter of Jackson Johnston to Governor Vance, Apr. 20, 1864, gives an account of Cherokee bonds.
- GP 177: Letter of Margaret Love to Governor Vance, May 10, 1864, describes destitute condition of Indian families whose men are away fighting; letter of William H. Thomas to Governor Vance, May 13, 1864, Thomas requests aid for Indians and whites in western North Carolina.

GENERAL ASSEMBLY PAPERS

This is a massive group of original documents created by the North Carolina General Assembly. Official in nature, materials consist of public and private bills, petitions, resolutions, messages, oath books, journals, charters for railroads and turnpikes, etc. The records are arranged by session of the assembly and materials relating to Indians will not be easy to find. A researcher can make effective use of the documents by checking the Senate and House Journals for each session of the assembly which covers his research period. Usually the material daily introduced in each session is adequately identified in the assembly journal. Therefore, the researcher can get a clear idea of what he can expect to find in the General Assembly records for a given session.

Native American-related records are scattered throughout the General Assembly Papers. They pertain to such diverse topics as the sale and survey of Cherokee lands, Indian treaties, and Indian removal. A shelflist of the records as found in the Archives is contained in a card file in the Search Room.

GASR: Resolutions respecting lands ceded by Cherokee Indians, Dec. 13, 1811.
Nov.-Dec. 1811
Box 2

GASR: Resolution requiring senators in Congress to obtain a map or chart of treaties
Nov.-Dec. 1811 formed by general agreement with Cherokee Indians, Dec. 13, 1811.
Box 2

GASR: A bill to "lay out a Road" through lands "lately ceded by the Cherokee Indians,"
Nov.-Dec. 1819 Dec. 15, 1819; a bill prescribing the mode of surveying and selling lands lately
Box 1 acquired from Cherokees, Dec. 15, 1819.

GASR: Nov.-Dec. 1819 Box 2	House message on surveying of Cherokee lands, Nov. 30, 1819.
GASR: Nov. 1833-Jan. 1834 Box 4	Resolution relating to a map of Cherokee Lands, Dec. 20, 1834.
GASR: Nov. 1834-Jan. 1835 Box 6	Copy of letter of Andrew Jackson to Benjamin Currey (U.S. agent in charge of Indian removal) concerning murder of John Ridge (Cherokee chief), Sept. 3, 1834; letter of Andrew Pickens to Joshua Roberts, Sept. 4, 1834, concerning commission for appointment of surveyors of Indian boundary according to Treaty of Holston.
GASR: Nov. 1834-Jan. 1835 Dec. 20, 1811, Box 6	Extract of letter from Return J. Meigs to William Eustis (Secretary of War), concerning ratification of Tellico Treaty.
GASR: Nov. 1834-Jan. 1835 Box 4	House resolution relating to map of Cherokee lands, Dec. 20, 1834.
GASR: Nov. 1834-Jan. 1835 Box 4	Resolution directing Treasurer to commence suits on bonds for Cherokee lands, Jan. 8, 1835.
GASR: Nov.-Dec. 1835 15, 1835, Box 6	Letter of Treasury Department to William Haywood (Speaker of House), Dec. concerning bonds given for purchase of Cherokee lands.
GASR: Nov.-Dec. 1835 Box 4	Resolution relating to sale of Cherokee lands, Dec. 19, 1835.
GASR: Nov.-Dec. 1835 19, 1835. Box 5	House message proposing a Joint Select Committee on Cherokee Lands, Nov.
GASR: Nov.-Dec. 1835 Box 1	Bill authorizing the entering in the usual way of lands acquired by treaty from Cherokees, Nov. 21, 1835.
GASR: Nov.1836-Jan. 1837 Box 1	Assembly bill for relief of John Simpson, a Native Cherokee Indian, and his family, Dec. 21, 1836.

GASR:
Nov.1836-Jan. 1837
Box 1

A bill to "lay off and construct" a road through the territory acquired from Cherokee Indians, Jan. 11, 1837.

GASR:
Nov.1836-Jan. 1837
Box 4

Resolution authorizing treasurer to receive purchase of late sales of Cherokee lands, Dec. 9, 1836.

GASR:
Nov.1836-Jan. 1837
Box 2

A bill preserving mode of surveying and selling lands lately acquired by treaty with Cherokees, Dec. 27, 1836; a bill to prevent frauds on Cherokee Indians residing in the state, Jan 20, 1837; memorial of Haywood County Court requesting subsistence money for Cherokees made U.S. citizens by Treaties of 1817 and 1819, Dec. 28, 1836; letter concerning rights of emigrating Indians, signed by Andrew Ross, Major Ridge, Elias Boudinot, et. al., May 26, 1836; Indian memorial requesting right to remain in North Carolina, Jan. 2, 1836.

GASR:
Nov.1836-Jan. 1837
Box 6

Printed copy of Treaty of New Echota, Mar. 1, 1836.

GASR:
Nov. 1842-Jan. 1843
Box 3

See folder entitled "Cherokee Indians and Cherokee Lands, 1842-1843," which contains much material on the status of Indians remaining in the state.

GASR:
Nov. 1846-Jan. 1847
Box 1

A bill to confer citizenship upon the Cherokee Chief Junaluska, Dec. 31, 1846.

SECRETARY OF STATE'S PAPERS

The records of the Secretary of State constitute one of the largest record group in the Archives. In addition to having served as the custodian of legislative papers, voter rolls, and annual reports, the secretary also preserved in his office warrants, surveys, deeds, and land grant records. Many of the documents in this record group which relate to Native Americans concern the sale and survey of Cherokee lands in western North Carolina. Researchers can locate such materials by consulting two finding aids: (1) a register in Search Room entitled "Secretary of State, General Records, 1663-1959," which contains a shelflist of the records in the Archives; (2) a subject card file in Search Room entitled "Secretary of State," which contains an entry under "Indians."

SS XII: Land Office (State) Box 325	Contract between North Carolina and Indians of Haywood County (names listed) providing for sale of Indian land (granted by treaties of 1817 and 1819) to the state, Aug. 20, 1824.

SS XIII: Land Office (State) Box 1	Contracts between members of Cherokee Nation and North Carolina involving sale of lands, 1828; copy of an indenture between Cherokee Nation and Richard Cherokee LandsHenderson, et al, assigning tract of present-day Kentucky to the Transylvania Company, Mar. 17, 1775; printed "Letter [from Bryan Grimes] Concerning Lands Formerly Held By Tuscarora Indians in Bertie Co., North Carolina," Apr. 5, 1911; report of Commissioner on Indian Reservation, 1824; Haywood County Indian Land Claims, 1824.
SS XX: Records of State Boundaries, Box 7	Letter of John Steel (member of Boundary Commission) to Major [Jesse] Pearson, Dec. 1, 1807, discussing disputed area between North Carolina and Georgia.
SS XX: Records of State Boundaries Box 8	Contains material on how Indian treaties affected boundaries between North and South Carolina, 1805-1815.
SS XIII: Land Office (State), Cherokee Lands Books 2-21	These are the original survey books of Cherokee lands which were acquired by North Carolina by the Treaties of 1819 and 1835.
SS XIX: Records of State Council of Safety Box 2	Letters to the Provincial Council of North Carolina from John Rutledge et al of South Carolina urging action against Cherokees who have started warring against the colonies, July 7, 1776.
SS XV: Land Office (State) Tuscarora Lands Box 1	Certificates allowing tenants leasing land from the Tuscarora Indians to obtain Grants of Release under the act of 1828, so that they could buy the land. Also a printed letter by Secretary Bryan Grimes giving the history of these lands in Bertie County.

SUPERINTENDENT OF PUBLIC INSTRUCTION'S PAPERS

Office of the Superintendent

Native Americans were not enrolled in public schools until after the Civil War. In 1876, Superintendent of Public Instruction John Pool assumed responsibility for the education of the Cherokee Indians living within the Qualla Boundary. Although public education for reservation Indians was eventually supervised by the U.S. Bureau of Indian Affairs, Pool helped to establish Indian schools with the cooperation of Cherokee leaders. Box 475 (Indian School, 1876-1877) has a great deal of information on the establishment of Cherokee schools in Graham and Jackson Counties. Correspondents include Pool, Qualla Town teachers, Native American petitioners, and the U.S. Commissioner of Indian Affairs.

Division of Negro Education

Established in 1921, the Division of Negro Education was charged with promoting education among African Americans in North Carolina. Until the demise of this department in 1960, its director also supervised the education of nonreservation Indians living within the state. In 1885 the General Assembly designated the Native Americans in Robeson County as Croatans and established separate schools for them; in 1887 an Indian normal school was authorized for the county. Still in existence today, University of North Carolina at Pembroke [LINK] enrolls over 3,900 students. For material on the early history of the college see Box 5 (Special Subject File).

SUPREME COURT PAPERS

The first independent Supreme Court with three judges elected by the General Assembly was authorized in 1818. The forerunner of this court had been superior court justices in conference to settle cases in dispute. This body, called the Court of Conference in 1801 and the Supreme Court in 1805, began hearing cases on appeal from lower courts in 1810. The Supreme Court, charged with writing and delivering its opinions in open sessions, generated records containing transcriptions of trial proceedings, arguments, and judges' opinions. Many cases involve Native Americans as litigants or concern their rights as residents of the state, their protections and regulation, land grants, treaties, etc. These cases are listed and briefly described in Volume 10 of the *North Carolina Digest* in Search Room. Descriptions of Native American cases in the *Digest* contain the names of the litigants and the date of the decision. This information will enable a researcher to locate the original records of a particular case as found in the Archives or on microfilm. A card index to the original cases, arranged alphabetically by last name of plaintiff and defendant, is located in the Search Room. Each card contains the case number with its shelf location in the Archives.

Also available to researchers are dockets and notebooks of the Supreme Court arranged chronologically in volumes. Although there is no subject index to these dockets, a register in Search Room entitled "Supreme Court—Records, Dockets, and Miscellaneous Volumes, 1800-1929," contains a shelflist of the records in the Archives.

Examples of court cases relating to Native Americans

- Case 754: *Sacarusa & Longboard vs. Heirs of William King* (1815); Governor Eden's grant of 1717 to Tuscaroras is absolute and does not require Indian residence on land.
- Case 1268: *Den on Demise of Yonaguskee v. Coleman* (1824); Cherokees holding land by Treaties of 1817 and 1819 are viewed as purchasers of that land.
- Case 2708: *Lovingood v. Smith* (1860); Act of Assembly regarding contracts with Cherokee Indians applies to those made by one Indian with another or with a white man.
- Case 9288: *Colvord v. Monroe* (1869); North Carolina laws permit resident Cherokees to take and hold land granted to them.
- Case 9524: *State v. Tachanatah* (1870); Cherokees residing in North Carolina are subject to its criminal laws; cohabitation among Indians according to tribal law is not marriage and partners can be compelled to testify against each other.

TREASURER'S AND COMPTROLLER'S PAPERS

The state treasurer receives and disburses all funds in the treasury, pays all warrants drawn on the department, and reports on the financial condition of the state. The state comptroller, an office replaced in 1868 with that of the state auditor, established methods for stating, checking, and controlling all public accounts. A researcher must be prepared to spend some time with this record group, for it contains a great deal of Indian-related material. Specific material can be located by referring to a register in Search Room entitled "Treasurer's and Comptroller's Papers." Check the following series for materials relating to Native Americans:

Correspondence of the Treasurer

Box 1: Letter of Benjamin Smith to Governor Haywood (1799?), concerns land Smith intended to purchase from state that was located within Indian boundaries.

Executive Offices: Salaries and Contingent Expenses

Box 6: Receipt for money paid for passage of Indians from Wilmington to Brunswick, Nov. 19, 1766; receipt for money paid to "Thomas Clapp, Tavern Keeper at Brunswick for Chief of Tuscarora Indians with Others of this Nation during their Stay there," Nov. 19, 1766.

Box 10: Letter of Governor Branch to John Haywood (state treasurer), Oct. 21, 1820, concerns money to be paid for advertising Cherokee land sales; letter of Governor Iredell to Treasurer, Dec. 21, 1827, authorized payment to printers for fifteen copies of memorials relative to Cherokee lands.

Indian Affairs and Lands

Box 1-17: These boxes contain original documents pertaining to Cherokee lands acquired and sold by the state as well as valuable material on a variety of subjects relating to Indians.

Lands, Estates, Boundaries, and Surveys (1760-1901)

Box 25: Warrant of Governor Tryon to purchase presents for Cherokee Indians, April 21, 1767.

COUNTY RECORDS

Introduction

The bulk of county records pertaining to Native Americans concerns the Cherokees of western North Carolina. Comprising the largest tribe of Native Americans in the state, the Cherokees entered into six separate treaties with the U.S. government between 1777 and 1835. In each case, federal authorities sought to extend the frontiers of white settlement by extinguishing Indian title to land. Following a pattern set by the first treaty, North Carolina Cherokees repeatedly ceded territory in exchange for compensation in money or goods and for the promise of a permanent homeland further westward.

Ceded territory in North Carolina automatically became the property of the state. Under the Treaty of 1819, the state acquired title to all land lying between the Meigs and Freeman line and the Little Tennessee River (see Appendix 1). Individual Native Americans who chose to remain in North Carolina and become citizens of the state (ancestors of the present day Qualla Band) were granted 640-acre tracts within the ceded territory. The rest of the ceded land was opened to white settlement.

Until 1819, Indian lands were disposed of according to the laws which applied to all other vacant lands in the state; but in 1819, the General Assembly made special provision for the sale of territory acquired from the Cherokees. All land valued at 50 cents per acre or more was surveyed in tracts of fifty to three hundred acres and was then offered for sale at public auction. Native American lands acquired in later years were sold in much the same way. Proceeds from the sale of ceded Cherokee territory were allocated to the Fund for Internal Improvements.

The Treaty of 1835 extended state ownership over the remaining Indian territory in North Carolina. It also provided for the forced removal (excluding the Qualla Band and a few other Native American families) of hundreds of Cherokees beyond the Mississippi.

The forced removal of Native Americans from North Carolina initiated years of grim conflict between the Cherokees and white authorities. For nearly a decade many Cherokees refused to leave their homes and lived as fugitives in the mountains. Finally, in 1846 the U.S. government agreed to let them remain and granted them the same financial compensation received by those who had moved west. In 1848 Congress officially recognized the Qualla Band, the families exempted from removal, and Indians who had evaded removal forces, as the Eastern Band of Cherokee Indians.

In 1848 the Eastern Band entrusted the treaty monies it received from the federal government to William H. Thomas, a white man, and authorized him to buy lands for the tribe in his name. Although Thomas may have acted in good faith initially, his eventual indebtedness led him to give deeds of trust to his creditors on much of the Indian land. Cherokee lands were further endangered when the state granted to white settlers tracts, which overlapped land Thomas had apparently purchased. In the spring of 1873, the Eastern Band instituted a federal suit against Thomas and others. Three years later the court awarded the Cherokees formal title to the Qualla Boundary (50,000 acres in Swain, Jackson, and Haywood counties) and 13,000 acres in outlying tracts in Swain, Jackson, Graham, and Cherokee Counties. The main Native American settlements are at Wolftown and Painttown in Jackson County; Birdtown, Yellow Hill, and Big Cove in Swain County; and in central and southwestern Graham County.

In 1889 the Cherokees were issued a corporate charter by the North Carolina General Assembly, and in 1925, the Eastern Band successfully petitioned the federal government to hold its lands in trust. While the Qualla Boundary is officially designated a reservation, the frequent appearance of Indian names in the deed books of western counties indicates that much of the Indian land was originally held by purchase and not by occupancy. Although ill-defined in the past, the legal status of the Cherokees is somewhat clearer today. Legal jurisdiction over reservation Indians is shared by the state and federal government and the Eastern Band. The state regulates taxation and administers law, Congress supervises education and social welfare programs, and the Indians oversee land policies.

County records which are now deposited in the State Archives are a rich source of Indian-related material. Land transactions in which Indians were involved are recorded in the deed books and court minutes of

western counties. Also in these records are many documents relating to the survey and sale of Cherokee lands. Material concerning the controversial William H. Thomas can also be found in the records of western counties.

For a shelflist of county records in the Archives, researchers should consult a card file in the Search Room entitled "County Records." The following pages contain a two-part guide to the location of specific materials within county records now deposited in the State Archives. The first part is a descriptive list of the kind of records common in all counties which are likely to contain information pertaining to Native Americans. The second part is an alphabetical arrangement of selected counties whose archives are rich in Indian history. For these selected counties, random examples of specific documents concerning Native Americans or related to Indian affairs are included.

AN ALPHABETICAL LIST OF COUNTY RECORDS WHICH ARE LIKELY TO CONTAIN MATERIALS RELATING TO NATIVE AMERICANS

For location of these records in the Archives see *Guide to Research Materials in the North Carolina State Archives, Section B: County Records* (Raleigh: Department of Cultural Resources, Eleventh Revised Edition 1997) and card file in Search Room.

County Commissioners, Minutes of: The Board of County Commissioners, established by law in 1868, in the main governing body of the county. It levies taxes and performs a variety of administrative tasks. This unindexed record series may contain references pertaining to Indian taxation and the appointment of Native Americans to minor official posts.

Court of Pleas and Quarter Sessions, Minutes of: As the main local court in the state until 1868, jurisdiction of the Court of Pleas and Quarter Sessions (or county court) included civil actions, lesser criminal actions, probate matters, proceedings by motion and by petition, as well as administrative concerns such as the appointment of officials and the levying of taxes. In addition to records of land transactions, records of civil and criminal proceedings which were successfully concluded are generally contained in the minutes of the court. This record series, although unindexed, is an important source of information relating to Indians. Court minutes for the western counties list a number of legal actions in which Native Americans were involved.

Deeds, Cross Index to: This is an index by grantor and grantee to deeds recorded by county registers of deeds. In western North Carolina between about 1820 and 1860, William Holland Thomas engaged in a number of land transactions with Indians. These records can be found by checking Thomas's name in the cross-index to deeds of the western counties.

Deeds, Record of: County records relating to property titles are numerous. In the nineteenth century, a deed or mortgage was first proved before the county court or the clerk of court and then recorded by the register of deeds in bound volumes. Deed books often contain various legal instruments such as bonds, land grants, and proclamations which were recorded to insure their preservation. Transactions involving Indians, easily identifiable by name, fill the pages of deed books of the western counties.

Estates Papers: These include original bonds, accounts, and other papers pertaining to the administration of estates. For records of Native American estates see this heading for Graham and Haywood Counties.

Marriage Register: Dating after 1851 the registers contain records of marriages within a county and give the residence, age, and race of bride and groom. The marriage registers of the western counties have a number of entries for Native Americans.

Superior Court--Minute Docket: Established in 1806, the county superior court has jurisdiction over serious criminal offenses and civil actions involving large sums. The minutes contain a record of trials heard by the court with the names of jurors, verdicts, judgments, and other rulings and orders. As United States citizens, members of the Qualla Band could be prosecuted in state courts; after 1870 all Native Americans were by law subject to the criminal laws of North Carolina. They frequently appear as defendants in cases prosecuted by the state.

ALBEMARLE COUNTY

One of the original counties created by the Lords Proprietors of Carolina, Albemarle contained the settled part of the seventeenth-century colony. As settlement expanded beyond the limits of the county after 1700, Albemarle ceased to exist as a political unit. References to Native Americans in the Albemarle records refer to those on the south side of the Albemarle Sound, rather than those on the north side. The most important Indian-related materials in this group are probably tax records reflecting the financing of the Tuscarora War (1711-1715). A few other scattered references to Native Americans can also be found.

Albemarle County Papers, 1678-1714, Volume I: Letter of William Powell to Capt. Wm. Barron, Oct. 20, 1704, concerns Indian attack on Powell's home; statement of several colonists concerning troubles with Indians over land, Nov. 22, 1704.

CHEROKEE COUNTY

Carved in 1839 from the last Cherokee cession in North Carolina, Cherokee is the westernmost county in the state. The early Indian-related records of the county largely pertain to the sale and transfer of land. Many Native Americans engaged in land transactions, and their names frequently appear in deed books in conjunction with that of William H. Thomas. Land in present-day Cherokee County was first offered for sale in September 1838. Purchasers could either pay the full purchase price or make a down payment and then pay the rest over a specified number of years. Those who chose to buy land in installments were required to furnish bond. Beginning in 1843, the General Assembly passed a series of acts designed to relieve the financial burden on bondholders who had not yet discharged their land debts. Original purchasers who could not meet their payments, and who surrendered their land to the state, were granted preemption rights to buy the land back at a lower price set by a special state valuation board. This data is contained in the Cherokee County Pre-emption Bond Book and Record of Solvent and Insolvent Principals, 1844-1845.

Minute Docket--Superior Court, 1869-1875: *State v. Liev-gui-ta*, *State v. Nancy (an Indian)*, Mar., 1870; *State v. Chicklila* (dispute over land); *State v. Tanquitta*; *State v. John Chawahah* (state witness Tobacco Smoker fined for failure to appear), Aug., 1870; many other Native American names appear on the docket for subsequent years.

Deed Book D, 1847-1849: Agreement between William H. Thomas and Thomas Raper concerning land Raper received under Treaty of 1819, Oct. 28, 1849.

Deed Book E, 1850-1852: State grants land to Junaluska, Sept. 10, 1850.

Deed Book G, 1854-1856, 1860: Sale of land by William H. Thomas to Sakah, Nov. 2, 1854; sale of land by William H. Thomas to Chukalilla, Nov. 2, 1854; sale of land by William H. Thomas to Corn Silk, Nov. 1854; sale of land by State to Cunnicinah, Nov. 23, 1854 (recorded Sept. 13, 1855).

Deed Book K, 1866-1869: Sale of land by Teleskah to Caneloge or Hunter, Feb. 17, 1865.

Deed Book M, 1869-1872: Sale of land by Andrew Colvard to Tom Bigmeat, Mar. 11, 1852 (recorded on Oct. 3, 1870).

Deed Book R, 1880-1882: Records of case of *Eastern Band of Cherokees v. William H. Thomas*, Aug. 14, 1880; describes decree of court and tracts of land assigned to various Native Americans.

Pre-Emption Bond Book, 1838-1857: Lists purchasers of bonds for Cherokee lands, date of purchase, size of tract, and price paid; contains list of purchasers of Cherokee lands in 1836, including numerous entries for William H. Thomas.

Solvent and Insolvent Principals, 1844-1845: Lists purchasers of bonds for Cherokee lands and their outstanding debts.

Marriage Register (Colored), 1871-1906: Identifies several persons as "Indian" for the year 1905.

Eighth U. S. Census, 1860, Cherokee County: Identifies nine persons as "Indian" or "1/2 Indian."

Ninth U. S. Census, 1870, Cherokee County: Identifies more than 450 persons as "Indian."

Records on Microfilm

Federal Records. U. S. Army Corps of Engineers. Records relating to Fort Butler, Cherokee County: These are microfilm copies of records deposited at the National Archives. They include the following: field notebooks from surveys of Cherokee County, 1837-1838; letter book on surveys for the U. S. in the Cherokee County, 1837-1838 (letters discuss arrangements for surveys, topography of area, possible hideouts of resisting Cherokees, impression that most Indians are opposed to emigration-see especially letter of Capt. M. G. Williams to Col. I. Abert, Feb. 8, 1838).

GRAHAM COUNTY

Established in 1872, Graham County consists of land that was once held by Cherokee Indians. Researchers should be aware that because Graham was formed from part of Cherokee County, some deeds to land in present-day Graham are recorded in Cherokee County deed books. Most of the Indians in Graham County have lived along the Cheoah and its creeks in the southwest near Little Snowbird Creek, and in central Graham along Buffalo Creek West. A number of them held title to their land by purchase and not by occupancy. Thus, many Native American names are recorded in the deed books of the county.

Minute Docket--Superior Court, 1873-1888: *Chicolella v. E. Hooper* (plaintiff must justify bond or give further security before stipulated time or suit will be dismissed), Aug. 13, 1873; *State v. Two Indians*,

fall term, 1873; *State v. Tobacco Smoke, Chicallila Indian v. Taquita, State v. George Ross* (an Indian), *State v. Jep Degageska and Obadiah*, spring term, 1874; *State v. Obadiah Locust*, fall term, 1874; *State v. Jep Degageska and Obadiah Locust* (Degageska, guilty; Locust, not guilty), *State v. Degageska* (judgement of court suspended upon payment of costs), Mar., 1875; *State v. Willooka*, spring term, 1877.

Civil Action Papers, 1864-1904: Summons to sheriff of Graham County to testify on behalf of defendant in trial of *Lee See and Washington v. Taquita*, Feb. 26, 1875.

Criminal Action Papers, 1874-1909: *State v. Sheikan* (affidavit of defendant claiming he can prove a witness falsely testified that defendant "cut Louis Smith with a knife"), spring term, 1875.

Record of Deeds, 1873-1880, #1-272: Sale of land by Takanochulah to William W. Cooper, Nov. 12, 1874; sale of land by State to Takanochulah, Dec. 21, 1875; sale of land by Stephen Whitaker to Tarquaty, Aug. 16, 1876; sale of land by Corn Silk and others to W. Cogdill, Aug. 26, 1876.

Record of Deeds, 1873-1880, #273-576: Sale of land by Ben Cheanna and wife Chickya, Ulscoasta, Cawachas or Chicksuly and wife Sallian or Sally Aim to James Welch, Mar. 19, 1861; sale of land by Skar-the-law-sky or Ridge to James Welch, Feb. 6, 1871; sale of land by Tah-que-tee-hee and his wife Susan to Anna Tah-que-tee-hee, Mar. 10, 1880.

Deeds, 1789-1921 (Mortgage Deeds, 1874-1892): Sale of land by Arm Strong Corn Silk and Jake Chun to J. W. Cogdill, Aug. 26, 1876.

Estates Records, 1847-1930: Bond of D. F. Rawson, administrator of estate of Con-ne-se-nah, Jan. 22, 1875; appointment of Samuel Sherrill as administrator of estate of Tuttieh, July 12, 1867.

Marriage Register, 1873-1926: Identifies several persons as "Red" for years 1874 through 1877.

Miscellaneous Records, 1836-1940: This box of manuscripts contains nine folders of material covering civil and criminal actions in which Indians were involved, estates records, land tax records, etc. For a full description of the documents see the "Miscellaneous" category under Graham County Records in the card file in Search Room.

Tenth U. S. Census, 1880, Graham County: Identifies 156 persons as "Indian."

HAYWOOD COUNTY

As the oldest of the western counties (1808), Haywood has generated an abundance of records relating to Native Americans. The original Haywood County, from which Macon and Jackson were later formed, consisted largely of land ceded by the Cherokee Indians under the Treaty of 1819. This treaty also provided that individual Native Americans who chose to remain in North Carolina and become citizens of the state would be granted 640-acre tracts within the ceded territory. The first public sale of Indian lands acquired in 1819 was held at Waynesville in 1820. Purchasers either paid the full price or put part of the money down and paid the rest in installments. Within the next few years a number of Indians sold their 640-acre tracts. These transactions are recorded in the court minutes and deed books of Haywood County.

Many Cherokees who became citizens of the state settled at or near Qualla Town along the Oconaluftee River. Until the formation of Jackson County in 1851, this village was located in Haywood. Thus, many records relating to the Qualla Band can be found among the archives of Haywood County. For instance, the appointment of William H. Thomas as legal agent for the Qualla Indians is recorded in the Record of Deeds, for the year 1843.

County Court Minutes, June 1820-June 1827: Includes names of many Indians who sold their 640-acre tracts to the state, Aug. 20, 1824; lists of deeds transferred from Cherokee Indians to state, June, 1825.

County Court Minutes, Oct. 1827-Oct. 1834: Transfer of deed from John Dobson to Tom an Indian (378 acres), Apr. 4, 1828.

County Court Minutes, Dec. 1834-Jan. 1838: Court authorizes Reuben Deaver to map Cherokee lands in Haywood County, Apr. 20, 1836; county agrees to purchase Cherokee lands at price set by Act of Assembly, Apr. 20, 1836; Cherokee Indian citizens of state appoint William H. Thomas as their agent and express their desire to remain citizens, Sept. 9, 1836.

County Court Minutes, Mar. 1849-Mar. 1858: *John B. Love v. Indian Charley* (involves outstanding debt), Dec. 1857.

Miscellaneous Dockets--County Court Minutes, 1811-1835: *State v. Little George*, June 1824; *State v. Little Charley*, Dec. 1824.

Miscellaneous Dockets--Superior Court, 1810-1845: *Ny-a-Toh v. Frederick Cannon*, *State v. Indian John Welsh*, Apr. 1822; *Yoneguska v. Mark Coleman*, *Te-gun-tos-y v. Jacob and Robert Trammel*, *Bag-Sappuckee v. Fen and David Shooler*, *Jack an Indian v. Joseph Sherrill*, Oct., 1822; *John an Indian v. Thos. Shepherd*, *Tegen las-ey, v. Jesse Levaske*, *Whay-ac-kah v. Fanny Levaske*, *Tegu-las-sey v. Fen and H. Rogers*, *Wolf an Indian v. Alford Brown*, Apr., 1823.

Record of Deeds, Volume B, #1-280, 1820-1826: (#230) Sharp Fellow sells 640-acre tract for \$400, Apr. 13, 1825; (#231) Jacks sells 640-acre tract for \$350, Apr. 29, 1825; similar contracts through #262 between Indians and the state for the sale of their 640-acre tracts, including deed of William Reid, white head of an Indian family.

Record of Deeds, Volume B, #281-548, 1826-1829: (#377) three Indians sell land to William Roane, Jan. 3, 1827; (#378) Little George sells land to William Roane, Jan. 3, 1827; (#387) Cherokee Chief Big Bear sells land to Darling Belk, Apr. 12, 1827; (#388) Big Tom sells land to Andrew Welch, Apr. 13, 1827; (#548) Cherokee Indians who separated themselves from the Indian Nation and became citizens of North Carolina appoint John Dillard their legal agent, June 26, 1829.

Record of Deeds, 1840-1845: Qualla Town Indians appoint William H. Thomas to serve as their representative in Washington and to present their claims arising from prior treaties, Aug. 31, 1843.

Estates Records, 1809-1812, Campbell-Clarke: "Estate of Ta-ca-lo-ga-ta," administration bond of William H. Thomas for the estate, April 9, 18??; "Administration Bond of W. H. Thomas for Cherokee Indians' Estate," lists more than 100 Indian names, Nov. 6, 1848.

Miscellaneous Material: "A True & Accurate Numeration of the Indens that is Living on the purches Also the Number of Reservations that has been Surved," lists owners of 640-acre tracts and number of persons per family, Nov. 20, 1820.

Seventh U. S. Census, 1850, Haywood County: Lists 692 persons as "Indian."

JACKSON COUNTY

Named for Andrew Jackson, Jackson County was formed in 1851 from Haywood and Macon. Most of Jackson was originally part of the Cherokee cession of 1819. Under the terms of the treaty, a number of Indians chose to remain in North Carolina and become citizens of the state. They settled in and around Qualla Town, along Soco Creek in the northwest corner of Jackson. Although many Cherokees were compelled to emigrate from North Carolina in 1838, the Qualla Indians were never subject to forced removal. Instead, they demanded the same financial compensation received by Cherokees who had moved west. Finally, in 1846 the Quallas were granted a financial settlement by the federal government. They entrusted these funds to their agent, William H. Thomas, and authorized him to purchase for the tribe thousands of acres in Jackson and other counties. Although Thomas probably intended to convey the deeds to the Native Americans, he subsequently became indebted and insane, and title to the Indian lands became the subject of years of litigation. The Eastern Band of Cherokee Indians, of which the Quallas form a significant part, instituted a federal suit against Thomas in 1873. Three years later the tribe was awarded formal title to the Qualla Boundary and outlying tracts in Jackson and other counties (see Appendix 1).

At one time more than a thousand Cherokee Indians resided in Jackson County. Indian names frequently appear in court minutes and deed books. Important material relating to the federal suit of the Eastern Band of Cherokee Indians against William H. Thomas et al is also contained in the archives of the county.

Court Minutes, Part I, 1853-1859: G. W. Mason v. Big Charley (plaintiff withdraws suit), Sept. 1853; *Ligary Whils a Cherokee Indian v. B. M. Euloe and R. L. Sellers*, June, 1854.

Court Minutes, Part II, 1860-1868: Court order appointing Indian Nick overseer of road through Indian lands (includes appointment of several other Indians to similar posts), Sept., 1866; court order appointing Cohwahnik, Indian, overseer of road including all the hands, Indian and Negro, Dec., 1866.

Minute Docket--Superior Court, 1869-1875: *State v. Tochamata & John Tuyahluluhih* (indictment for murder), *State v. Tochamata* (pleads not guilty to murder charge), spring term, 1870; *State v. Tochamata and Johnson Tuyahluluhih* (plead not guilty to murder charge and date of trial set), fall term, 1870.

Minute Docket, 1853-1864: School census for Deep Creek Township listing 24 Indian males and 22 females, and for Qualla Township listing 118 males and 109 females, June 29, 1870; claim in case of Ta cha natah is accepted, Sept. 15, 1870; court order decreeing that a poll tax levied on Indians of Qualla Township by trustees of the township is illegal and cannot be collected, Oct. 15, 1872; court order decreeing that Indians charged with a poll tax be released from paying such tax, Oct. 6, 1873; payment by treasurer of \$2 to Alex Hornbuckle for serving as Indian interpreter, Jan. 5, 1874; court order allowing Alexander Hornbuckle an Indian \$4 for services as interpreter, 1872-1874, and for listing the Indian taxes of Qualla Township, Aug 3, 1874.

Record of Deeds, 1853-1855: Sale of land by W. H. Thomas to Quateh, a Cherokee woman, Feb. 7, 1856; sale of land by W. H. Thomas to Standing Wolf or Wah hey uah catauga, Feb. 12, 1856; sale of land by W. H. Thomas to Enola, Feb. 12, 1856; sale of land by W. H. Thomas to Salola netah or young Squirrel, Feb. 27, 1856.

Record of Deeds, 1872-1890: Execution of deed from W. H. Thomas to Enola, Cherokee Indian, Nov. 12, 1875; execution of deed from W.H. Thomas to Wilson Oocummer, Nov. 12, 1875; execution of deed from W. H. Thomas to Jeferson Hornbuckle, Nov. 12, 1875; execution of deed from W. H. Thomas to Lizul sinih, Nov. 12, 1875; execution of deed from W. H. Thomas to Cloud, Nov. 20, 1875.

Marriage Register, 1853-1970: Identifies several persons as "Indian" for the year 1871

Eighth U. S. Census, 1860, Jackson County: Identifies 1063 persons as "Indian."

Ninth U. S. Census, 1870, Jackson County: Identifies 920 persons as "Indian."

Records on Microfilm

Records of Deeds, 1871-1878, Volumes 5 and 6: Jim Junaluska appoints J. W. Cooper his attorney, July 8, 1871; record of prior sale of land by W. H. Thomas to Cherokee Indians, June 2, 1873.

Records of Deeds, 1873-1887, Volumes 7 and 8: Deed establishing claim of Eastern Band of Cherokees to Qualla territory (court decrees that Indians owe W. H. Thomas \$9,764), Oct. 9 1875.

MACON COUNTY

Formed from Haywood County and the remaining territory in western North Carolina in 1828, Macon consists of Indian land acquired by the Treaties of 1819 and 1835. Under the terms of the earlier treaty, Native Americans who chose to remain in North Carolina and become citizens of the state were granted 640-acre tracts within the ceded territory. The sale of a number of these tracts is recorded in the deed books of Macon County. Land acquired from the Native Americans in 1835 was surveyed, divided into tracts, and valued according to a series of Acts of Assembly. First offered for sale at Franklin in September 1838, more than three fourths of the land was disposed of within three weeks. Purchasers either paid the full price or made initial payment and paid the rest in installments. Buyers who paid on time were required to furnish bond. Many documents relating to Indians pertain to the sale of land, the transfer of titles, etc.

Minute Docket--Court of Pleas and Quarter Sessions, 1838-1855: Deed of conveyance of 640-acre tract from Coalachy (an Indian woman) to John C. Morris, Jan. 6, 1855.

Execution Docket--County Court, 1838-1843: *State v. Sake*, June, 1838.

Execution Docket--County Court, 1843-1868: *State v. Indian Cunningham*, Dec., 1849.

Cherokee Lands Surveyed 1837: Maps and descriptions of lands surveyed in Macon County (some have been torn out).

Record of Deeds Probated, 1837-1875: Deed of conveyance of 640-acre tract from several Indians to State, Apr., 1838; deed of conveyance and power of attorney from John Welch (Indian) to Jonathan Blyth and Jonathan Parker, June, 1838; power of attorney from Peggy, Samuel, Williston, and William Jones (Indian) to Dillard Love, Sept., 1841.

Deed Book A, 1827-1837: Deed of conveyance from Parch Corn Flour to Thomas W. Poindexter for 640 acres, Feb. 13, 1829; deed of conveyance from Yonaguska and others to State for various tracts of land and reservations, Dec. 1, 1829; deed of conveyance from Long Tom to Romulus S. Saunders and Humphrey Posey (on behalf of State) for 640-acre tract, Apr. 29, 1829.

Cherokee Bond Account Book, Books A-C, 1820-1851: Records of bonds given by purchasers for payment of balances due on Cherokee lands purchased.

Cherokee Bond Account Book, 1844: List of bonds in office of treasurer with names of obligors and amounts due.

Eighth U. S. Census, 1860, Macon County: Identifies fifty-six persons as "Indian."

Ninth U. S. Census, 1870, Macon County: Identifies forty persons as "Indian."

ROBESON COUNTY

The Lumbee Indians, most of who reside in Robeson County, constitute the largest group of Native Americans in eastern North Carolina. Although their exact origin is a complex matter, they are undoubtedly the descendants of several tribes, which occupied eastern Carolina during the earliest days of white settlement. Living along the Pee Dee and Lumber Rivers in present-day Robeson and adjacent counties, these Native Americans of mixed blood were officially designated as Lumbees by the General Assembly in 1956. During the Civil War, Robeson County Indians, having been classified with "free Negroes, free mulattos, or free persons of mixed blood" in the disfranchisement amendment to the North Carolina Constitution in 1835, were then prohibited from bearing arms. They were conscripted for service on Confederate fortifications near Wilmington to labor side-by-side with slaves. Discontented and humiliated, a number of Lumbees escaped into the swamps of Robeson County where they formed the nucleus of a band under the leadership of Henry Berry Lowry. Using familiar swamplands as their hideout, they remained an outlaw band for more than seven years.

Although the records of Robeson County contain much material relating to the Lumbee Indians, certain identification of Lumbees in the county archives is not always possible. Most of the Native Americans have Anglo-Saxon names and they are generally designated as "black" or "mulatto" in nineteenth-century documents; for example, in the U.S. Censuses of 1850-1880, the designation for Lumbee families is usually "mulatto." Nevertheless, a few common Lumbee family names, which appear frequently in the county records are likely to represent Indian individuals, especially when such names are found in records originating in Scuffletown (present-day Pembroke) and Lumberton.

Some common Lumbee family names

Bullard, Chavis, Comboes, Dial, Drinkwater, Harding, Locklear, Lowry, Oxendine, Sampson.

Criminal Action Papers Concerning Henry Berry Lowry: This box of manuscripts contains a variety of materials on the Lowry Gang. The following types of documents are included: warrants for the arrest of members of the gang; subpoenas for witnesses; appearance bonds; testimony of witnesses for prosecution and defense in the State's case against members of the Lowry Gang; documents of the trial of gang member Henderson Oxendine; documents of the preliminary hearing for the case of *State v. Henry Berry Lowry*; bills for court costs.

County Court Minutes, 1797-1806: Suit of Robert Bullard against John Locklear, Oct. 2, 1804.

County Court Minutes, Oct. 1806-Feb. 1813: See the following names in the index-- Locklear, Lowry, Oxendine.

County Court Minutes, Feb. 1830-May 1839: See the following dates for Lumbee names--Nov. 4, 1831; Feb. 4, 1833; Feb. 4, 1835; Nov. 4, 1836.

County Court Minutes, May 1839-Oct. 1843: see the following names in the index - Bullard, Locklear, Lowry, and Oxendine.

State Docket--Superior Court, 1853-1869: *State v. H. B. Lowry* (charged with murder, accused "broke jail"), spring term, 1869; similar entries for other members of Lowry Gang.

Estates Records, Locklear-McBryde, 1820-1924: Includes records of several Locklears and Lowrys.

Estates Records, Nicholson-Oxendine, 1820-1924: Includes records of several Oxendines.

Wills, 1783-1851, Volume II: Will of James Lowry, Mar. 30, 1810.

Records on Microfilm

Marriage Register, 1867-1910: Identifies a number of persons as "Indian."

SWAIN COUNTY

Native American territory acquired by the state under the treaties of 1819 and 1835 comprises most of the land from which Swain County was formed. In 1819, individual Indians who chose to remain in North Carolina and become citizens of the state were granted 640-acre tracts within the ceded territory. These Native Americans, who formed the nucleus of the Qualla Band, settled along the Oconaluftee River in southwest Swain County (see Appendix 1). In later years they received treaty benefits from the federal government in the form of financial payments. The Eastern Band of Cherokees, of which the Quallas were a significant part, entrusted these tribal funds to William H. Thomas, authorizing him to purchase lands for them in his name. Thomas subsequently incurred a number of debts, and when Indian titles to land became entangled in his own financial affairs, the Eastern Band sued him in federal court. As a result, the tribe was awarded formal title to

the Qualla Boundary (50,000 acres in Swain, Jackson, and Haywood Counties), and outlying tracts in Swain and several other counties.

Documents relating to the case of the *Eastern Band of Cherokees v. W. H. Thomas et al* are contained in the archives of Swain County. Although there are scattered references to Native Americans in Swain County deed books, the names of Indians who bought and sold land in what is now Swain County are largely recorded in the official papers of the counties from which Swain was formed (Macon and Jackson).

Minute Docket--Superior Court, 1871-1883: *State v. Benj. Brown an Indian* (grand jury indictment for misdemeanor), *State v. Sequayeh* (grand jury indictment for assault and battery), fall term, 1874; *State v. Sequayeh* (writ for arrest of defendant), spring term, 1876; *Commissioner of Indian Affairs John Q. Smith (Trustee of Eastern Band of Cherokees) v. Ute Sherrill*, spring term, 1877; *State v. Se-qua-yeh* (defendant recognized in sum of \$200 with "Cowary Saw nooke Tom Skittie as securites" to be void on condition that he appear at court to answer charges of state, fall term, 1877); *State v. Se-qua-yah* (case moved to Jackson County) spring term, 1878; *State v. Steve Otter an Indian* (indictment for larceny), *Commissioner of Indian Affairs John Q. Smith v. Ute Sherrill* (case dismissed as plaintiff failed to prosecute), fall term, 1878.

Tenth U.S. Census, 1880, Swain County: Identifies 465 persons as "Indian."

Records on Microfilm

Record of Deeds, 1872-1878, 1881-1883, Volume 2: Indenture between William and Lucinda Johnston and Eastern Band of North Carolina Cherokees entitling Indians to territory in Qualla Boundary, Oct. 9, 1876 (pp. 290-317); legal matters concerning award to Eastern Band of Cherokees in their suit against William H. Thomas et al, Aug. 14, 1880 (pp. 342-375); sale of land by Laney Oster, Steave Oster, Watte Sultie Geeskie and Sueline his wife, and Aley Ned to John Cooper, Feb. 23, 1881.

Record of Deeds, 1881-1884, Volume 4: Legal matters concerning award to Eastern Band of Cherokees in their suit against William H. Thomas et al, Aug. 25, 1884 (pp. 531-534); sale of land by James Gorsini to Henry Smith, Principal Chief of Cherokees, Oct. 15, 1884.

Marriage Register, 1871-1884, Volume 1: Identifies several persons as "Indian."

Minutes--Board of Commissioners, 1871-1896: Court order permitting the Eastern Band of Cherokees to use the tax levied on their lands for expenses of education, Aug. 1, 1881 (p. 299); court order permitting the Eastern Band to establish a school district at Yellow Hill, Aug. 1, 1881 (p. 299).

TRANSYLVANIA COUNTY

Formed in 1861 from Henderson and Jackson Counties, Transylvania was inhabited by few Native Americans. It is quite possible that Cherokees who may have once lived within the borders of present-day Transylvania were forcibly removed westward or settled upon land in adjacent counties. This record group is not an important source of materials relating to Native Americans.

Minute Docket--Superior Court, 1869-1877: *State v. Tachanata and Johnson Tayahlulauhih* (Tachanata charged with murder and found not guilty, Johnson Tayahlulauhih charged with murder of Chisquiane ti and case dismissed), fall term, 1870 (pp. 75, 81, 110, 114-120).

MISCELLANEOUS MATERIALS

Cherokee Censuses

During the nineteenth century, a number of special federal censuses, in addition to those recorded every ten years, were taken of the North Carolina Cherokees. The first enrollment, taken in 1835 and referred to as the "Henderson Roll," is a basic census list of all Cherokee Indians who lived east of the Mississippi. The "Mulloy Roll," taken in 1848, accounted for the Eastern Band alone. These rolls, as well as four others that were taken in the nineteenth century, are available for researchers on microfilm. For the location of these records in the Archives, see the card file in Microfilm Reading Room entitled "Miscellaneous." Additional printed rolls are available in the Search Room: *Cherokee Roots, Volume 1: Eastern Cherokee Rolls; Volume 2: Western Cherokee Rolls; Dawes Roll of 1898; Baker Roll of 1924.*

English Records

This collection consists of transcriptions and photostats of English records relating to colonial North Carolina, which were copied for the Archives in the early twentieth century. Although there are some duplications, the "English Records" collection for the most part supplements material printed in William L. Saunders (ed.), *The Colonial Records of North Carolina* (Raleigh: State of North Carolina, 10 volumes, 1886-1890). [Note: the next category of Miscellaneous Materials described is the "British Records" collection, the product of a current overseas record-copying project.] The English Records group is divided into two parts: (1) copies of the Dartmouth Manuscripts; and (2) copies of documents deposited at the Public Record Office in London. Finding aids for the collection are available as follows:

D. L. Corbett (ed.), *Calendar of Dartmouth Manuscripts, 1720-1783* (Raleigh: North Carolina Historical Commission, 1926).

Register in Search Room entitled "Calendar to the English Record Collection" contains a brief description, chronologically arranged, of every item in the collection.

Register in Search Room entitled "English Records" contains a descriptive shelflist of the records in the Archives. Materials relating to Native Americans can be found under the following subheadings: Colonial Office Papers, 1682-1782, Boxes 12, 15, 16; Treasury Papers, 1685-1831, Box 17; War Office Papers, 1757-1783, Box 18 (Amherst Papers).

ER 12 (folder 3): Letter of Board of Trade to Duke of Newcastle, Sept. 30, 1730, concerns King's approval of Cherokee Treaty and Indians' dissatisfaction with it; (folder 10) Treaty with Indians, Camp Mount Pleasant, by Col. James Innes, Nov. 5, 1754, concerns assurance of British desire for friendship.

ER 13 (folder 31): Letter of Proprietors to Thomas Smith, Deputies, and Council, Nov. 29, 1693, concerns necessity for care in dealing with Indians and punishment for Englishmen who harm them.

British Records

This collection consists of photocopies of documents at the British Public Record Office which contain material relating to colonial North Carolina. It is intended to supplement the limited number of documents in the "English Records" series, which were copied for the Archives many years ago. Drawn primarily from the papers of the Colonial Office, the Admiralty Office, and the Treasury (when complete the collection will include many more records from the Public Record Office and other repositories in Britain), the "British Records" group contains a wealth of information relating to Native Americans. Brief descriptions of each item on Xerox or on microfilm are found in lists in the Search Room. The descriptions for most of the Xerox copies have been placed on cards and arranged in two card indexes, one arranged chronologically and the other according to the designation of each document in Britain. Thus, a document cited as CO 5/1318 (Colonial Office series 5, bundle 1318) in a book, article, or Charles M. Andrews, *Guide to the Materials for American History, to 1783, in the Public Record Office of Great Britain* (Washington, D.C.: Carnegie Institute of Washington, 2 vols., 1914) can be easily located among the papers in this collection.

Letter of Alexander Spotswood to Board of Trade, Sept. 27, 1718, CO 5/1318, concerns Tuscarora plots against North Carolina.

Account of losses sustained by Indian traders, 1749-1754, CO 5/1318.

Order to convoy seven Indian chiefs to South Carolina, Aug. 1730, ADM 2/53.

Treaty with Cherokee and Catawba Indians, 1756, CO 5/1328.

John Stuart's report on Cherokee Congress, Apr. 10, 1770, CO 5/71.

Brown's (Superintendent of Indian Affairs, Southern Dept.) talk to Creeks and Cherokees, Dec. 27, 1779, CO 5/81.

Estimate of cost of employing Creeks and Cherokees in war, Mar. 10, 1780, CO 5/81.

British Records on microfilm

Foreign Archives. British Records. Indian Affairs, Surveys, etc., 1767-1779.
Reels Z.5.15N-Z.5.17N, Z.5.19N

Maps

A number of maps in the Archives pertain to Native American history. Dating from 1715, the maps include the distribution of Indian tribes in North Carolina, plans of Indian towns, surveys of Cherokee lands (the Love Survey of 1820), and boundaries of Indian lands. For the locations of these documents in the Archives see the following subheadings in the card file in Search Room entitled "Map Collection":
Miscellaneous--Indian Lands; N. C. Boundary Maps--Indian Boundaries.

Military Collection

This is an "artificial" collection of private papers and official records drawn from state agency records and collected during World War I and World War II. Material relating to Native Americans can be found as follows:

Frontier Scouting and Indian Wars, 1758-1788

Box 1: Many original documents on military expeditions against Cherokees.

Cumberland Battalion, 1786-1792

Box 1: Mostly returns and payrolls of troops raised to defend Davidson County against Chicamauga Indians.

War of 1812, 1812-1822

Box 10: A copy of Andrew Jackson's report to the Secretary of War on the Battle of Horseshoe Bend, Apr. 2, 1814.

Troop Returns, 1747-1859

Box 1: The [1754] survey prepared for Gov. Dobbs which reported the military strength of each county, the condition of military stores, the number of Indians, etc.

Private Collections

This record group comprises a large number of unofficial manuscripts, many of which contain valuable material relating to Native Americans. Researchers can locate specific material by consulting the index to Barbara T. Cain, *Guide to Private Manuscript Collections in the North Carolina State Archives* (Raleigh: State Department of Archives and History, Third Revised Edition, 1981). Manuscripts pertaining to North Carolina's Indian past which are not cited in this volume are as follows:

PC 37: John J. Crittenden Papers, 1827-1863

Letter of W. Thompson to J. J. Crittenden, May 22, 1851 (concerns financial settlement with Cherokees).

PC 40: Hayes Collection, 1748-1806

Letter of General John Lewis to Samuel Johnston, 1792 (concerns trouble with Creek and Cherokee Indians); letter of John Sevier to Samuel Johnston, 1792 (expresses fear that Southern Indians will "commence hostilities").

PC 109: William Williams Stringfield Papers, 1860-1914

Letter of Sister Mollie to William Stringfield, Sept. 3, 1863 (concerns rumor that Col. Thomas and Indians were captured by Yankees); letter of Sister Mary to William Stringfield, Nov. 26, 1863 (concerns escape of Thomas and Indian troops before arrival of federals).

PC 214: Joseph Cathey Papers, 1800-1900

Orders for surveys of Cherokee lands in Haywood County, 1836.

PC 715.1: Henry Berry Lowry (Lowrie) Paper, no date

Original manuscript of John C. Gorman, Adjutant-General of North Carolina (1871-1876), describing history of Lowry Gang in Robeson County.

PC 991: W. H. Thomas Paper and Notebook, 1862-1865

See entries in notebook under following dates: Mar. 9 and June 14, [1859] and Jan. 3, 1862.

Records on Microfilm

A variety of Native American material, copied from records at the National Archives and other depositories, is available on microfilm. This collection includes service records of soldiers who aided in the Indian removal, census rolls, field notes of the Qualla Boundary Survey, and Cherokee Council Minutes from the Qualla Reservation in Swain County. One reel contains U.S. newspapers with articles relating to the Cherokees and other Indian tribes, 1789-1872, n.d. For a description of these records and their location in the Archives see the card file in Microfilm Reading Room entitled "Miscellaneous."

APPENDIX 1

Map Showing Origin of Western North Carolina Counties and Boundaries of Treaties with Cherokee Indians

INSERT MAP

APPENDIX 2

CHRONOLOGY

1675	Chowan War
1711-1713	Tuscarora War
1763	August Treaty (Cherokee cession)
1777	Treaty of Long Island (Holston River); Indian cession of territory east of Blue Ridge Mountains
1783-1789	Appointment of Joseph Martin as special agent to Cherokees and Chickasaws for U.S. and North Carolina
1785	Treaty of Hopewell between Cherokee Nation and U.S.
1791	Treaty of Holston, administered by William Blount, superintendent of Indian Affairs until 1796; Cherokee cession of land west of Asheville
1796-1801	Benjamin Hawkins appointed temporary agent for southern Indians
1798	Cherokee cession in western North Carolina
1801-1802	Return Jonathan Meigs appointed agent for southern Indians
1813-1814	Alliance of Cherokees with U.S. during Creek War; Chief Junaluska helps to defeat Creeks at Battle of Horseshoe Bend
1819	Cherokee cession in western North Carolina in exchange for land beyond the Mississippi River; some Indians claim 640-acre tracts within ceded territory
1820	First sale of Cherokee land at Waynesville; Love Survey
1835	Indians relinquish all land east of Mississippi River; Indian removal begins; Henderson Roll, census of all Cherokee Indians living east of Mississippi River
1846	Indian removal ends
1848	Indians remaining in North Carolina recognized as Eastern Band of Cherokee Indians; Mulloy Roll, census of Eastern Band
1862	Thomas's Legion formed (an Indian regiment, which fought in Civil War)
1876	U.S. court decision on <i>Eastern Band of Cherokees v. William H. Thomas et al.</i> ; Indians receive formal title to land
1889	Eastern Band receives corporate charter from state of North Carolina
1925	U.S. government holds land of Eastern Band in trust

APPENDIX 3

SUGGESTED LIST OF RESEARCH TOPICS IN THE INDIAN HISTORY OF NORTH CAROLINA WITH SOURCES CONTAINING RELEVANT MATERIAL

State Records

County and Other Records

Land ownership among Cherokee Indians

Governors Papers
Legislative Papers
Secretary of State's Papers
Supreme Court Papers
Treasurer's and Comptroller's Papers

Deed books and court minutes of
the western counties

Sale and survey of Cherokee lands

Governors Papers
Legislative papers
Secretary of State's Papers
Treasurer's and Comptroller's Papers

Deed books and court minutes of
the western counties
Maps
Records on microfilm

Legal status of Indians

Supreme Court Papers

Court minutes of the western counties

Case of *Eastern Band of Cherokees v. William H. Thomas et al.*

Cherokee County
Jackson County
Swain County

Indian Removal

Adjutant General's Papers
Governors Papers
Legislative Papers
Secretary of State's Papers
Treasurer's and Comptroller's Papers

Cherokee County
Haywood County
Records on microfilm

Indians in the Civil War

Adjutant General's Papers
Governors Papers

Private collections